

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO.235 OF 2005

Shripad S. Bhandarkar ..Deceased.

Narayan S. Bhandarkar & Ors. ..Petitioners.

Mr. A.B. Shrikhande for the Petitioners.

CORAM : A.S.AGUIAR, J.
DATED : 30TH SEPTEMBER, 2005.

P.C.:

Heard the learned Advocate. Perused the Petition and the annexures including affidavit of the legal heirs.

2. The Petitioner has applied for a declaration that his brother Shripad Shantaram Bhandarkar, who has been missing since 13.8.1965, be declared/presumed to be dead.

3. Besides the Petitioners, the other legal heirs of the missing person mentioned at paragraph 4 of the affidavit, have filed their affidavits of consent. Missing Persons' complaint was lodged with the Commissioner of Police, New Bombay on 18.10.1965. Report of the Assistant Commissioner of Police, Crime Branch, C.I.D. is annexed at Exhibit "B" stating that enquiries were made but have proved futile and,

finally, a police report is annexed at Exhibit "E1" stating that the said missing person Shripad Shantaram Bhandarkar has been missing since 13.8.1965 and has not been traced and there is no entry in the records of the police tracing the said person.

4. In the circumstances, the said Shripad Shantaram Bhandarkar is presumed to be dead. Accordingly, the Petition is made absolute in terms of prayer clause (a).